

## **EXHIBIT B**

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**From:** [McGourty, Cara](#)  
**To:** [Kratenstein, Andrew](#)  
**Cc:** [fmaas@jamsadr.com](#); [kmaccubbin@jamsadr.com](#); [Sheehan, David J.](#); [Jacobs, Edward J.](#); ["hchaitman@chaitmanllp.com"](#)  
**Subject:** RE: In re Madoff, Adv. Pro. No. 0801789 (SMB)  
**Date:** Wednesday, August 09, 2017 1:48:26 PM  
**Attachments:** [dk016348-0002\\_08-01789.pdf](#)

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Dear Andrew,

Thank you for responding so quickly. The inadvertently produced work product consists of notes and comments from the Trustee's consultants to his attorneys regarding the microfilm identification project and was done at the direction of the Trustee's counsel. These notes and comments were located in hidden columns on the original Excel spreadsheets. The hidden columns have been removed from the replacement versions, which is why the original and replacement versions appear on their face to be the same. The best way to pinpoint the changes between the two versions is to compare the column lettering at the top of the spreadsheet, which is automatically included in Excel spreadsheets. For example, in the original microfilm index, the column letters read A, B, D; there was no Column C, as it was hidden. In the replacement version, the columns now read A, B, C, in sequential order. The data in Column D of the original is now in Column C of the replacement, due to the removal of the original (hidden) Column C, but the data remains the same. Because the inadvertently produced information was only in hidden columns, I hope that it will be relatively easy for you to preserve and transfer your own work product to the new, replacement version.

To answer your last question, yes, the replacement spreadsheet is the same as Exhibit B that we filed on July 14, 2017. The only difference is that the Excel version includes the column letters, whereas the filed PDF version does not. This automatically occurs when an Excel document is printed to PDF. I have attached the filed Exhibit B for your convenience in comparing the two.

I hope this answers your questions.

Cara McGourty

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**From:** Kratenstein, Andrew [mailto:[AKratenstein@mwe.com](mailto:AKratenstein@mwe.com)]  
**Sent:** Tuesday, August 08, 2017 9:05 PM  
**To:** McGourty, Cara  
**Cc:** [fmaas@jamsadr.com](#); [kmaccubbin@jamsadr.com](#); [Sheehan, David J.](#); [Jacobs, Edward J.](#); ["hchaitman@chaitmanllp.com"](#)  
**Subject:** RE: In re Madoff, Adv. Pro. No. 0801789 (SMB)

Cara,

In order to select the additional 20-reel sample of microfilm as suggested by Judge Bernstein, we have been working with the Excel version of the microfilm spreadsheet that your firm previously provided. From a quick scan of the replacement, I cannot tell what the differences are between the replacement and the original. I am trying to find the most efficient way to cleanse any information that you are claiming is work product from our own work product. Is there a particular column or row you can direct me to or some other way you can tell me what the claimed work product is so that we can comply with your request? Also, is the replacement different from the version that was

filed on the public court record as Exhibit B to Mr. Sheehan's July 14 letter and, if so, how?

This is without waiver of our right to challenge the Trustee's work product claim pursuant to the LPO.

Thank you.

**Andrew B. Kratenstein**

Partner

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**From:** McGourty, Cara [<mailto:cmcgority@bakerlaw.com>]

**Sent:** Tuesday, August 08, 2017 2:52 PM

**To:** 'hchaitman@chaitmanllp.com'; Kratenstein, Andrew

**Cc:** [fmaas@jamsadr.com](mailto:fmaas@jamsadr.com); [kmaccubbin@jamsadr.com](mailto:kmaccubbin@jamsadr.com); Sheehan, David J.; Jacobs, Edward J.

**Subject:** In re Madoff, Adv. Pro. No. 0801789 (SMB)

Dear Ms. Chaitman and Mr. Kratenstein,

Attached please find correspondence regarding the Trustee's inadvertent production of documents, as well as replacement versions of the inadvertently produced documents.

Thank you,  
Cara McGourty

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**Cara McGourty**

Associate

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